

RESPONSE TO FINAL ACTION

Applicants respectfully disagree with the Examiner's decision, and his conclusion that there is nothing in the specification to support $n=0$. To carry the Examiner's analysis to its ultimate, there also is nothing in the specification to support n being 1, or 2, or 3, or 4 or 100, or 200. Is it the Examiner's position that n is indefinite for lack of support for any number? That cannot be, because the formula on line 47-48 in column 3, clearly tells one skilled in the art that n is some integer beginning with zero that denotes the number of recurring units written in the brackets. How can it logically be concluded that n has no support for being zero, but yet does have support for being 1, 2, 3 etc.

So taking the smallest integer, namely zero, and calculating mol. wt. one skilled in the art can only conclude that the value of 50 (at line 56 of column) must be an error, else n would have a negative value (which of course is impossible).

It is very clear from the specification that the number 50 must be an error, what then is the lower limit? Applicants suggest that one skilled in the art would pick zero since that is the lowest value n could ever have. If the Examiner disagrees, what then would one skilled in the art pick? Should it be 1, or 2, or 3? Such a pick is purely arbitrary. At least picking zero has some rationale behind it, and picking zero, the calculation of the mol wt. value comes out to be 112.

Thus it is seen that there is a good basis for concluding an error was made and that the correction is clearly indicated from the text of the specification. As such, it is respectfully submitted that the rejection of all the claims under 37 USC 251 and under 35 USC 112 are overcome.

Applicants realize results in another country are not relevant to US prosecution. However, it may be worthy of note that in Europe, the EPO patent Examiner recognized the error and pointed it out to the applicants. This then provides evidence that one presumably skilled in the art (namely) the EPO Patent Examiner, recognized there was an error. The EPO Examiner then permitted applicants to correct the error by simply deleting any reference to a lower-most

value for n. If that is a viable way to overcome the rejection, applicants stand ready to make the same deletions here.

Allowance of all the claims is respectfully requested. Applicants will attend to submission of the original patent or to a statement, once the Examiner indicates allowability.

Respectfully submitted,



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